

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**August 12, 2008**

**DIVISION THREE**

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J. and Valorie Gray, Deputy Clerk.

B199718      People v. Herring

Argument waived, cause submitted.

B200060      Rodgers  
                 v.  
                 Long Beach Civil Service Commission, et al.

Merits:  
Argued by James E. Trott for respondent. Argument waived by appellant.  
Cause submitted.

B201652      Los Angeles County, D.C.S.  
                 v.  
                 Manuel R.

Merits:  
Argued by Michael Salazar for appellant and by Jacklyn K. Louie, deputy  
county counsel for respondent. Cause submitted.

DIVISION THREE (continued)

B201511     Lucio  
              v.  
              City of Los Angeles, et al.

Merits:

Argued by Diane Marchant for appellant and by Gerald M. Sato, deputy city attorney for respondents. Cause submitted.

B200914     People  
              v.  
              Butler

Merits:

Argued by Allison Kate Simkin for appellant and by Dana M. Ali, deputy attorney general for respondent. Cause submitted.

B201035     Ardon  
              v.  
              City of Los Angeles

Merits:

Argued by Frank Gregorek for appellant and by Sandra Levin for respondent. Submission deferred.

Court recessed.

Court reconvened at 1:30 p.m.

Present: Klein, P.J., Croskey, J., Kitching, J. and Valorie Gray, Deputy Clerk.

DIVISION THREE (continued)

Each of the following:

B206234 Children and Family Services v. Yvette L.  
B198832 People v. Coleman

Argument waived, cause submitted.

B198267      People  
                  v.  
                  Aguilon

Merits:  
Argued by Deborah Blanchard for appellant. Argument waived by  
respondent. Cause submitted.

B195285      Graves, et al.  
                  v.  
                  Brum, et al.

Merits:  
Argued by Gerald M. Serlin for appellants and by David B. Pillemer for  
respondents. Cause submitted.

B201432      Weissburg  
                  v.  
                  County of Los Angeles Civil Service Commission

Merits:  
Argued by Diane Weissburg, in propria persona and Joan Daniels for  
appellant and by Edwin A. Lewis, deputy county counsel for respondent.  
Cause submitted.

DIVISION THREE (continued)

B199971     Hines  
              v.  
              Lukes

Merits:

Argued by Anthony Roach for appellant and by Michael Phillips for respondent. Cause submitted.

B195906     South Central Farmers Feeding Families, et al.  
              v.  
              City of Los Angeles, et al.

Merits:

Argued by Dan Stormer for appellants and by Kenneth Mattfeld and Mark Borenstein for respondents. Cause submitted.

Court adjourned.

B201194     Peter M. Hoffman et al  
              v.  
              Alan Salke

Filed order denying petition for rehearing.

DIVISION SIX

[illegible]

The judgment is modified to reflect 755 days of actual presentence custody credit, and to strike the imposition of the restitution fine and the parole revocation fine. The trial court shall amend the abstract of judgment accordingly and forward it to the Department of Corrections. The judgment is otherwise affirmed.

Perren, J.

We concur: Gilbert, P.J.  
Yegan, J.

## DIVISION EIGHT

B201287 People (Not for Publication)  
v.  
Mizerovski

The judgment is modified to : (1) impose a \$20 court security fee pursuant to Penal Code section 1465.8, subdivision (a)(1) for both of defendant's convictions, for a total of \$40; and (2) impose assessments on the theft fine of \$10 pursuant to Penal Code section 1464; \$2 pursuant to Penal Code section 1465.7, subdivision (a); \$7 pursuant to Government Code section 76000; \$3 pursuant to Penal Code sections 70372 and 70375, subdivision (b); and \$1 pursuant to Government Code section 76104.6, subdivision (a). The superior court clerk is directed to prepare an amended order reflecting the \$10 theft fine pursuant to Penal Code section 1202.5, subdivision (a), and the fees and assessments listed above, specifying the statutory bases. The judgment is affirmed in all other respects.

Cooper, P.J.

We concur: Rubin, J.  
Flier, J.

## DIVISION EIGHT (continued)

B198609 Thompson, (Not for Publication)  
v.  
Busick et al.

The judgment is reversed and the matter is remanded to the trial court. The order underlying the judgment are reversed in part and affirmed in part as follows: The order granting Busick's section 638.1 motion for judgment on the declaratory relief, cancellation of instrument, conspiracy to defraud and quiet title causes of action is affirmed. The trial court is directed to vacate its order denying Thompson's motion to amend the pleading to add a cause of action for breach of fiduciary duty and to enter a new order allowing that amendment. Following the amendment, the trial court is vested with broad powers as to how to conduct the remainder of the trial, including, if appropriate, hearing a new section 638.1 motion on the breach of fiduciary duty claim. Each party shall bear their own costs on appeal.

Rubin, J.

I concur: Cooper, P.J.  
I dissent: Egerton, J. (Assigned) (Opinion)

B201145      People  
v.  
Nelson

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B197592 People  
v.  
Sanchez

Filed order vacating submission order of July 14, 2008.